

## **WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: CRIMINAL JUSTICE**

**DATE: MARCH 25, 2010**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS BENTLEY  
GOODSPEED  
KENNY  
VANNESS  
STRAINER  
TAYLOR

**COMMITTEE MEMBER ABSENT:**

SUPERVISOR MCCOY

**OTHERS PRESENT:**

ROBERT IUSI, DIRECTOR, PROBATION  
FREDERICK MONROE, CHAIRMAN  
PAUL DUSEK, COUNTY ATTORNEY  
JOAN SADY, CLERK OF THE BOARD  
KEVIN GERAGHTY, BUDGET OFFICER  
SUPERVISORS CONOVER

GIRARD

PITKIN

MCDEVITT

MERLINO

SOKOL

STEC

THOMAS

CONNIE HARRIS FARRINGTON, TOWN OF QUEENSBURY

LAUREL GAILOR, CORNELL COOPERATIVE EXTENSION

DON LEHMAN, *THE POST STAR*

THOM RANDALL, *THE ADIRONDACK JOURNAL*

CHARLENE DIRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

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Mr. Bentley called the meeting of the Criminal Justice Committee to order at 10:09 a.m.

Motion was made by Mr. Strainer, seconded by Mr. Taylor, and carried unanimously to approve the minutes from the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Robert Iusi, Director of the Probation Department, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Mr. Iusi requested a transfer of funds in the amount of \$47,874 from A.3140 110 (Probation-Salaries-Regular) to A.3144 110 (Day Reporting-Salaries-Regular) to cover the salary of an employee who was transferred within the Department.

Motion was made by Mr. VanNess, seconded by Mr. Strainer and carried unanimously to approve the request for a transfer of funds as outlined and to forward same to the Finance Committee. *A copy of the Request for Transfer of Funds form is on file with the minutes.*

Mr. Iusi requested authorization to submit a grant application to the New York State Division of Criminal Justice Services in the amount of \$5,000 to support the Probation Department's involvement with Warren County's Felony Treatment Court. He noted award notification had been received and the funds would be used towards the salary of the Day Reporting employee.

Motion was made by Mr. Taylor, seconded by Mr. Strainer and carried unanimously to approve the request as presented. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the April 16, 2010 Board meeting.*

Mr. Iusi requested authorization for two Probation Officers to attend the 23<sup>rd</sup> Juvenile Delinquency Association Annual Training Institute Conference on April 13, 2010 at The Sagamore Resort in Bolton Landing, New York at a cost of \$110 per person. He noted the funds were available in his budget.

Motion was made by Mr. Strainer, seconded by Mr. Goodspeed and carried unanimously to authorize attendance at the Conference as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Mr. Iusi requested authorization to attend the New York State Council of Probation Administrators Summer Conference and Training Seminar on June 28-30, 2010 at The Georgian Resort and Conference Center in Lake George, New York. He explained they had been successful in having the Conference held in Lake George and approximately forty Probation Directors would be in attendance. He noted the only cost to the County was \$50 for the registration fee.

Motion was made by Mr. VanNess, seconded by Mr. Strainer and carried unanimously to authorize the Director of the Probation Department to attend the Seminar as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Mr. Iusi reported that State Aid to the counties for Probation had decreased over the years. An additional 10% decrease, he continued, was proposed in this year's Governor's Budget and the Senate had rejected the decrease but the Assembly had accepted it. He advised the Office of Court Administration (OCA) would submit a bill to take charge of the oversight of Juvenile Probation. He added part of the plan was to stabilize the funding of the Probation Department. He said the OCA recognized that the courts could not function efficiently without the proper amount of funding to operate the departments. He stated the Probation Directors Association was in favor of the OCA overseeing the function of Probation.

Connie Harris Farrington, resident of the Town of Queensbury, addressed the Committee and informed that she wished to discuss Senate Bill S5334 entitled "An act to amend the executive law and penal law, in relation to payment of a fee by persons sentenced to probation". She said the Bill had been in existence for several years although it currently was not sponsored in the Assembly. She noted the purpose of the Bill was to provide that, subject to a court order, non-indigent criminals who were sentenced to probation would be required to reimburse a county or city the actual cost of their supervision during their probationary period.

Ms. Farrington explained the Bill had last been referred to the New York State Senate Crime Victims, Crime and Correction Committee of which Senator Betty Little was a member. She said she had sent an email to Senator Morahan who was the sponsor of the Bill, but received no response. She added she had also received no response from the Chairman of the Senate

Crime Victims, Crime and Correction Committee. She stated she had contacted the Chairman of the State Legislative Committee to request that the Bill be placed on the current agenda. She added she had contacted the Chairman of the Assembly Legislative Committee and asked her to consider sponsoring a companion bill from the Assembly.

Ms. Farrington said she had spoken to representatives from Assemblywoman Sayward's Office and asked if it would be helpful to have Assemblyman Tony Jordan co-sponsor the Bill. When the Chairman of the Assembly Legislative Committee returned her call, she continued, she was informed that Assemblywoman Sayward was a member of the State Crime Committee which was the Committee that would handle the Bill in the Assembly but the order in which bills were prioritized was decided by the Ranker on the Committee. She added the Chairman said she would discuss the issue with the Ranker and would determine why there was not a companion bill in the Assembly.

Ms. Farrington proposed the Bill be amended to state that the fee assessment would be effective immediately following the passing of the Bill, as opposed to November 1<sup>st</sup> as was currently stated. She added the Bill should apply to all current and future individuals on Probation at the discretion of the County Probation Department. She advised the State currently allowed the charging of administration fees for DWI (Driving While Intoxicated) offenders which meant there were mechanisms in place for calculating and collecting the fees. She requested that Mr. Iusi review the Bill to determine if further amendments should be recommended. She further requested the issue of the Bill be referred to the Legislative & Rules Committee so that a resolution in support of such could be passed at the April 16, 2010 Board meeting.

Ms. Farrington stated she had been informed by Mr. Iusi that 40% of the counties in New York State currently charged fees for probation services in violation of State law. She added those counties would most likely be eager to legitimate the process which they were currently using illegally.

Mr. VanNess suggested the issue of supporting Senate Bill S5334 be referred to the Legislative & Rules Committee. Mr. Goodspeed said that payment of the fees should be identified as a condition of the Probation. Mr. Iusi said the struggle to pass a bill that would allow the charging of fees for probation services had been a longtime issue which had failed to pass due to opposition in the Metro New York area. He explained it was not beneficial to New York City to charge the fees, as the cost of setting up the infrastructure to do so would be in excess of the fees collected. In 2009, he continued, they had attempted legislation to allow the collection of administrative fees for sex offenders and domestic violence offenders.

Discussion ensued.

Mr. Goodspeed suggested the Bill could be amended to allow counties to opt out of the collection of the administrative fees and Mr. Iusi responded that an opt out clause had been included in the Bill. Mr. Kenny agreed the issue should be referred to the Legislative & Rules Committee. Chairman Monroe stated it could take some time to collect a significant amount

of revenues from the administrative fees. Mr. Iusi noted the Bill, if approved, would include an indigent clause and a sliding fee scale for lower incomes. Mr. VanNess expressed that criminals who could afford to pay for probation services should be made to do so. Mr. Strainer voiced his opinion that the County would end up in the same situation as with the unpaid DWI fines. Mr. Goodspeed reiterated that fees should be a condition of the probation. Mr. Iusi stated they would most likely make it an administrative fee similar to the DWI fees. He agreed it would be best if it was a condition of the Probation; however, he added, there would be Judges who would waive the fee condition for some defendants.

Motion was made by Mr. VanNess, seconded by Mr. Kenny and carried unanimously to refer the issue of a possible resolution in support of Senate Bill S5334 and any possible amendments to the Bill to the Legislative & Rules Committee for consideration.

Mr. Bentley informed the Committee that the Conflict Defender contracts for Glens Falls, Queensbury and Northern Warren County courts would expire on March 31 and April 30, 2010. Joan Sady, Clerk of the Board, said the Conflict Defender contracts would now be provided by Assigned Counsel with the exception of the Conflict Defender for Family Court issues, which was provided by the Legal Aid Society of Northeastern New York. She stated the contract renewal details were being finalized and would be presented as an out-of-Committee request.

There being no further business to come before the Criminal Justice Committee, on motion by Mr. Kenny and seconded by Mr. Strainer, Mr. Bentley adjourned the meeting at 10:35 a.m.

Respectfully submitted,  
Charlene DiResta, Sr. Legislative Office Specialist